Title	Victim Restitution Form and Instructions (revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)
Summary	Form CR-110/JV-790, the restitution order and abstract of judgment for use in both criminal and juvenile proceedings, would be revised to make it more useful for victims. Forms CR-112/JV-792 and CR-117 would be approved for optional use to instruct victims on how to fill out forms CR-110/JV-790 and CR-115, <i>Defendant's Statement of Assets</i> .
Source	Family and Juvenile Law Advisory Committee Criminal Law Advisory Committee
Staff	Audrey Evje, 415-865-7706, audrey.evje@jud.ca.gov Joshua Weinstein, 415-865-7688, joshua.weinstein@jud.ca.gov Sewali Patel, 415-865-7595, sewali.patel@jud.ca.gov
Discussion	Form CR-110/JV-790, <i>Order for Restitution and Abstract of Judgment</i> , is a form for use in criminal and juvenile delinquency cases. The form serves both as a restitution order and as an abstract of judgment for enforcing the restitution order as a civil judgment. The dual function is designed to assist crime victims in recovering financial losses. However, that recovery process may not be readily understandable to many victims. To aid crime victims, the form would be amended to clarify the restitution process. Additionally, two instruction forms to assist victims in obtaining and filing the restitution order and abstract of judgment are proposed. The proposed amendments to form CR-110/JV-790 include: Clarifying that being a person described in Welfare and Institutions Code section 602 rather than being a ward of the court is the prerequisite for a victim receiving restitution as set forth in Welfare and Institutions Code section 730.6(a)(1); Moving the order for interest, attorney fees, and administrative fees from item 4 to item 3 so that these will be computed when the restitution is ordered; Adding a check box and the text "On Information and Belief" under the signature line of the Application for Abstract of Judgment to allow individuals such as victim advocates, prosecutors, and probation officers to sign the application on the information and belief that the judgment debtor has been properly

identified through the official records available.

The proposed amendments to form CR-110/JV-790 do not address cases where there are multiple defendants or multiple victims owed restitution. The abstract of judgment cannot be used for multiple amounts owed or for multiple creditors; each creditor would need to record individual abstracts.

Proposed form CR-112/JV-792 would provide victims with an easy-to-understand instruction sheet to assist them in getting a restitution order and applying for an abstract of judgment using form CR-110/JV-790.

Proposed form CR-117 would provide the defendant and victims in criminal proceedings with an easily understandable explanation of how to fill out and read form CR-115, *Defendant's Statement of Assets*.

The proposed new and revised forms are attached at pages 3–8.

Attachments

CR-110/JV-790

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, state bar number, and address):		
Recording requested by and return to:		
	DRAFT 6	
TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional):	4/08/03	
ATTORNEY FOR JUDGMENT ASSIGNEE OF CREDITOR RECORD		
Insert name of court, branch court, if any, and post office and street address:	1	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS:		
MAILING ADDRESS:	FOR RECORDER'S USE ONLY CASE NUMBER:	
CITY AND ZIP CODE: BRANCH NAME:	OASE NOMBER.	
	SOR COURT USE ONLY	
CASE NAME:	FOR COURT USE ONLY	
ORDER FOR RESTITUTION AND ABSTRACT	Γ OF JUDGMENT	
(Penal Code, §§ 1202.4(f), 1214; Welfare and Institutions	s Code, § 730.6(h) and (i))	
ORDER FOR RESTITUTION		
1. a. On (date): defendant (name) was convicted of a crime that entitles the victim to		
b. On (date): child (name):	o resultation.	
was found to be a person described in Welfare an	d Institutions Code section	
602, which entitles the victim to restitution.		
c. Parents or guardians jointly and severally liable (r	name each):	
d. Co-offenders found jointly and severally liable (na	me each):	
2. Evidence was presented that the victim named above suffer		
defendant's/child's conduct. Defendant/child was informed determination of the amount of restitution and	of his or her right to a judicial	
a. a hearing was conducted.		
b. stipulated to the amount of restitution to be ordered	ed.	
c. waived a hearing.		
3. THE COURT ORDERS defendant/child to pay restitution to		
a. the victim (name):	in the amount of: \$	
b the State Victim Compensation Board, to reimburin the amount of: \$	se payments to the victim from the Restitution Fund,	
c. plus interest at 10% per year from the date of	loss or sentencing	
d. plus attorney fees and collection costs in the sum e. plus a 10% administrative fee of the resolution ow	or \$ /ed (Pen. Code, § 1202.4(I); Welf. & Inst. Code, § 730.6(q))	
The amount of restitution includes		
a. value of property stolen or damaged		
b. medical expenses		
c. lost wages or profits		
(1) incurred by victim due to injury	a shild) in a course of colors of a whole injuried ability	
 (2) of victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child (3) incurred by victim due to time spent as a witness or in assisting police or prosecution 		
	a child) due to time spent as a witness or in assisting police or prosecution	
d. noneconomic losses (felony violations of Pen. Co		
e. other (specify):		
Date:		
	JUDICIAL OFFICER	

VICTIM TO RECEIVE CERTIFIED COPY FOR FILING WITH COUNTY RECORDER

CASE NAME:	CASE NUMBER:	
_		
NOTICE TO VICTIMS PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT ORDER IS THEN ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT. ALT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOU OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.	HOUGH THE CLERK OF THE COURT IS	NOT
THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).		
THE VICTIM SHALL FILE A SATISFACTION OF JUDGMENT WITH THE COURESTITUTION IS SATISFIED, PURSUANT TO PENAL CODE SECTION 1214		
APPLICATION FOR ABSTRACT OF	JUDGMENT	
5. The judgment creditor assignee of record other (sp applies for an abstract of judgment and represents the following:	pecify):	
a. Judgment's debtor's Name and last known address		
b. Driver's license No. and state: c. Social security No.: d. Date of birth:	Unknown Unknown Unknown	
Date:		
(TYPE OR PRINT NAME)	(SIGNATURE OF APPLICANT OR ATTORNEY)	
	ON INFORMATION AND BELIEF	
ABSTRACT OF JUDGMEI	NT	
6. I certify that the following is a true and correct judgment entered in this action.	[SEAL]	
7. Judgment creditor <i>(name):</i> whose address or whose attorney's address appears on this form above court's name.	the	
8. Judgment debtor (full name as it appears in judgment):		
9. Judgment entered on (date):		
10. Total amount of judgment as entered or last renewed: \$		
This abstract of judgment issued on (date):		
Clerk, by		, Deputy
NOTICE TO COUNTY RECOI THIS ORDER IS ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT, PURS		2.4(I)

THIS ORDER IS ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT, PURSUANT TO PENAL CODE SECTION 1202.4(I) AND (m), PENAL CODE SECTION 1214, AND WELFARE AND INSTITUTIONS CODE SECTION 730.6(i) AND (r), AND FUNCTIONS AS AN ABSTRACT OF JUDGMENT.

INSTRUCTIONS: ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT CR-112/JV-792

A. Attorney or Person Without Attorney

Write the name of your attorney. If you are representing yourself, your name goes here.

B. Recording Requested By and Return To

Check the box and place your name and address in the space provided. After the document has been filed with the court, you need to take a certified copy to the County Recorder's office.

C. Telephone Number

Your telephone number goes here. You may also give a number where the court can leave a message for you.

D. Fax Number

You may write in your fax number here. You may leave this line blank.

E. E-Mail Address

You may write in your e-mail address here. You may leave this line blank.

F. Applicable Party

Check the applicable box. If you are representing yourself, check the box for judgment creditor.

G. Name of Court

Ask the clerk of your court for this information, including the court's address.

H. Case Name

Use the case name assigned in the case. Example: In re John D. or People of the State of California v. Doe.

I. Case Number

Write the case number assigned to the case in this space. You need to write this number at the top of every page of this form.

J. For Court Use Only

After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official court document.

K. Order for Restitution

- (a) If the person was convicted in criminal court, write in the date of the defendant's conviction and the defendant's name.
- (b) If the person was convicted in juvenile court, write in the date of the child's conviction and the child's name. If the person's wardship has been terminated, please chek the applicable box.
- (c) If the parents or guardians are jointly and severally liable, write the names in the space provided.
- (d) If a co-offender was found jointly and severally liable, write the name(s) in the space provided.

You may leave this section blank for the court to complete, but make sure it is completed.

L. Judicial Determination of Restitution

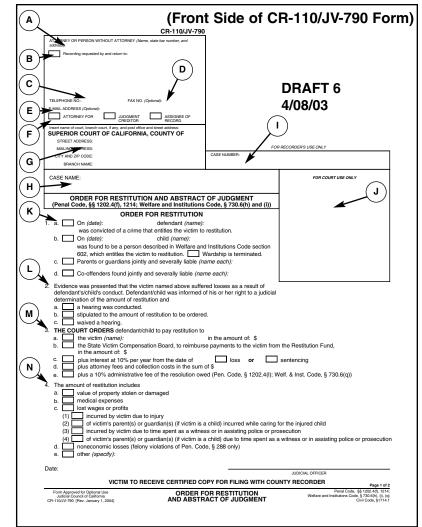
Check the appropriate box to indicate the manner in which the offender was informed of his or her judicial determination of the amount of restitution. The court should complete this section if you do not have this information.

M. Restitution Ordered to Pay

- (a) If the court ordered the offender to pay you, write your name as the victim and the amount of restitution ordered by the court. Make sure the amount of restitution is not left blank or "to be determined." A dollar amount must be listed for the order to be enforceable.
- (b) Check this box if the court ordered the State Victim Compensation Board to receive reimbursement for funds previously paid to you or your service provider by the Restitution Fund.

N. Amount of Restitution

Check the applicable boxes (a) through (e) that specify why the restitution was ordered. Example: If the court ordered that you collect medical expenses and lost wages, check boxes (b) and (c). If the amount of restitution includes something that is not listed, check box (e) and briefly specify what additional costs are covered.



O. Case Name and Number

Use the case name and case number you wrote in on the front of the form.

P. Application for Abstract of Judgment

Check the applicable box. If you are the victim, check the box for judgment creditor.

- (a) The judgment debtor is the person who was ordered to pay the restitution. Write the name and last known address of the judgment's debtor in the space provided.
- (b) Fill in the judgment debtor's driver's license number and state where it was issued, if you know them. If you do not know this information, check the unknown box to the right.
- (c) Fill in the judgment debtor's social security number, if you know it. If you do not know this information, check the unknown box to the right.
- (d) Fill in the judgment debtor's date of birth, if you know it. If you do not know this information, check the unknown box to the right.

Q. Name and Signature

Print or type your name on the blank line. If you are representing yourself, sign on the other line. Also write in the date.

R. Judgment Creditor

Enter your name in the space provided.

S. Judgment Debtor

Enter the name of the judgment debtor in the space provided.

T. Judgment Date

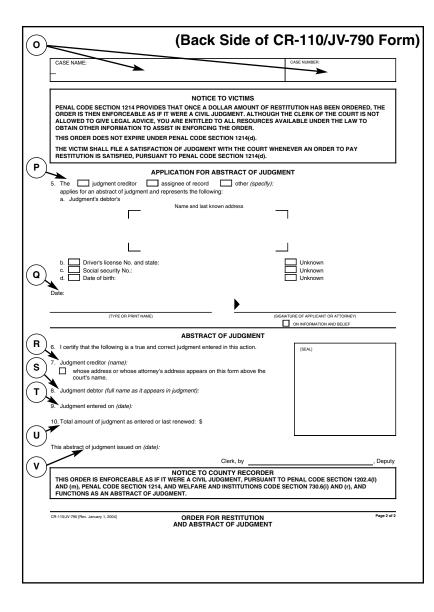
Enter the date the judgment was entered. If you don't know the date the clerk of the court should complete this information.

U. Amount of Judgment

Enter the amount of judgment entered. If you do not know the amount, the clerk of the court should complete this information.

V. Abstract of Judgment

The clerk of the court will write in the date the judgment was issued and will sign the Abstract of Judgment.



A. Name of Victim

The name of the victim who will receive restitution goes here

B. Superior Court of California

Ask the clerk of your court, or defendant's attorney for this information.

C. Name of Defendant

Write defendant's name in the space provided.

D. Case Number

Fill in the criminal case number assigned in the space provided.

E. Personal Information

- (a) Defendant's name.
- (b) If defendant has previously used another name(s), provide that name(s) in the space provided.
- (c) Defendant's date of birth.
- (d) Defendant's social security number.
- (e) Defendant's marital status.
- (f) Defendant's driver license number and the state of issuance.
- (g) Defendant's home address.
- (h) Defendant's home telephone number.
- (i) Defendant's employer's telephone number.

F. Income and Occupation

List defendant's sources of income and occupation. Include defendant's job title and the name of the division or office where defendant works or worked.

G. Address of Employer

- (a) Write the name and address of defendant's business or employer.
- (b) If defendant is not employed, write the names and addresses of all sources of income.

H. Pay Period

Specify how often defendant is paid, i.e., daily, weekly, monthly.

I. Gross Pay

Specify defendant's gross pay each pay period.

J. Take-Home Pav

Specify defendant's take-home, i.e., after-taxes pay for each pay period.

K. Spouse Income

If defendant is married and defendant's spouse is employed, specify the name and address of his/her employer, job title, and division or office.

L. Other Sources of Income

If defendant has additional sources of income that have not been listed, write them here.

M. Cash

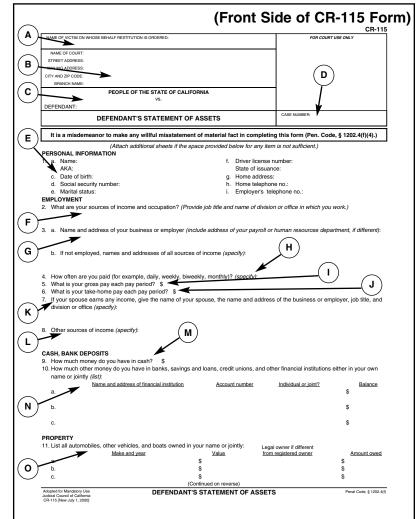
Write the amount of money defendant has in cash.

N. Accounts

Complete the required information regarding any money held in defendant's name in bank accounts and any other financial institution.

O. Automobiles

Complete the required information regarding any automobile(s) and boat(s) defendant's own or jointly owns.



P. Real Estate

List all real estate owned in defendant's name or jointly.

Q. Other Personal Property

List any valuable property that has not already been mentioned that defendant holds in his/her name or jointly.

R. Assets

List all other assets, including stocks, bonds, and mutual funds.

S. Assets Held For You

If anyone is holding any assets for defendant, check the "yes" box and describe the assets along with the name and address of each person or entity holding the assets.

T. Transfer of Assets

List any disposal or transfer of assets that defendant has made since his/her arrest on this matter.

U. Loans

If defendant has any outstanding loans, list them here. Give the details of the loan including why the loan was taken and to what institution defendant owes money.

V. Taxes

If defendant owes any past taxes, give the details here.

W. Support Arrearages

If defendant owes child or spousal support, attach the copy of the orders and statements to this form.

X. Credit Cards

If defendant owes money on any credit cards, list the name of each creditor and the account number.

Y. Other Debts

If defendant has any additional debts that have not yet been listed, write them down in the space provided.

Z. Date and Signature

Indicate the date, defendant's name, and have defendant sign in the spaces provided.

AA. Interpreter

If an interpreter was used to complete the document, he/she must print his/her name, include his/her signature, and indicate the date.

